

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 3515 of 1999****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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SOMNATH AYODHYAPRASAD PATHAK - Petitioner(s)

Versus

AHMEDABAD MUNICIPAL CORPN & 1 - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.
MR RM CHHAYA for Respondent No(s).: 1.
DS AFF.NOT FILED (R) for Respondent No(s).: 2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 2nd December, 1998 passed by the Labour Court, Ahmedabad in Reference [L.C.A.] No. 1936/89, whereby the said Reference was rejected.

2. The short facts of the case are that the petitioner was working with the respondent no. 2 as a Watchman since 1979 on daily wage basis. It is the case of the petitioner that he worked as such till 1st June, 1988 and the respondent without following the procedure under the Industrial Disputes Act, 1947 terminated the services of the petitioner w.e.f. 1st June, 1988. Feeling aggrieved by the said action, the petitioner raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. Mr. Rathod learned counsel for the petitioner has submitted that the petitioner is restricting his claim only to the extent that he should be restored to the list of badli worker.

3. I have heard the learned counsel for the parties and have perused the materials produced on record. Looking to the peculiar facts and circumstances of the case and in view of the provisions of Section 25G & 25H of the Industrial Disputes Act, and also in view of

the fact that the petitioner was working with respondent no. 2, the respondents are directed to restore the petitioner to the list of badli worker. The respondents shall give regular work on daily wages to the petitioner and shall try to regularize the petitioner as per the Rules & Regulations of the Corporation. The respondent shall call the petitioner for regular work w.e.f. 16th September, 2005.

4. In the result, the award of the Labour Court is modified to the aforesaid extent. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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